

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint filed on May 11, 2011, the motion to dismiss filed by defendant The State Bar of California ("State Bar Motion"), the motion to dismiss filed by defendant E. Daniel Bors III ("Bors Motion"), the motion to dismiss filed by defendant Robert K. Johnson ("Johnson Motion"), the motion to dismiss filed by defendant Matthew M. Kremer ("Kremer Motion"), the motion to dismiss filed by defendant Jeffrey H. Sherter ("Sherter Motion"), all opposition and supplemental opposition papers filed by plaintiff and all supplemental and reply papers filed by defendants in connection with the foregoing Motions, all of the records herein, the Report and Recommendation of United States Magistrate Judge

("Report"), and plaintiff's Objection to the Report with accompanying Exhibits.<sup>1</sup> The Court has conducted a *de novo* review of those portions of the Report to which objections have been stated in writing.

Having completed its review, the Court accepts the findings and recommendations set forth in the Report and concludes that this action must be dismissed for the reasons stated in the Report. Accordingly, IT IS ORDERED that:

(1) The State Bar Motion is GRANTED pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure;

(2) The Bors III Motion, the Johnson Motion, the Kremer Motion, and the Sherter Motion are GRANTED pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;

(3) The Complaint is dismissed without leave to amend; and

(4) Judgment shall be entered dismissing this action with prejudice.

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<sup>1</sup> A district court has discretion, but is not required, to consider evidence or claims presented for the first time in objections to a report and recommendation. See Brown v. Roe, 279 F.3d 742, 744-45 (9th Cir. 2002); United States v. Howell, 231 F.3d 615, 621-22 (9th Cir. 2000). The Exhibits to the Objection include copies of court filings and other new evidence not previously submitted in this case. The Court has exercised its discretion to consider the Exhibits to the Objection.

1 IT IS FURTHER ORDERED that the Clerk serve copies of this Order and  
2 the Judgment herein on the parties.

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4 LET JUDGMENT BE ENTERED ACCORDINGLY.

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6 DATED: April 19, 2012.

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10 CORMAC J. CARNEY  
11 UNITED STATES DISTRICT JUDGE  
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